# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Mahfooz Ahmad	
Write the full name of each plaintiff.	20-cv-4507 (Include case number if one has been assigned)
-against- Colin Day, Courtney Dutter, iCIMS Inc	Do you want a jury trial?  No  Paragraphic Company of the property of the prop
Write the full name of each defendant. The names listed above must be identical to those contained in Section I.	PROSE JEEKSE

### **EMPLOYMENT DISCRIMINATION COMPLAINT**

#### NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

#### I. PARTIES

#### A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Mahfooz		Ahmad	
First Name	Middle Initial	Last Name	
198 East Ave 2			
Street Address			
Fairfield, Norwalk	С	onnecticut	06855
County, City	St	ate	Zip Code
+1.718.536.1972	mahfoozahmad2092@gmail.com		
Telephone Number	Email Address (if available)		

#### **B.** Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1:	Colin Day				
	Name				
	101 Crawfords Corner Rd #3-10	0			
	Address where defendant may be s	erved			
	Monmouth County, Holmdel	NJ	07733		
	County, City	State	Zip Code		
Defendant 2:	Courtney Dutter				
	Name				
	101 Crawfords Corner Rd #3-100				
	Address where defendant may be served				
	Monmouth County, Holmdel	NJ	07733		
	County, City	State	Zip Code		

Defendant 3:	iCIMS Inc				
	Name				
	101 Crawfords	Corner Rd #	3-100		
<b>V</b>	Address where def	endant may be s	erved		
•	Monmouth Cour	nty, Holmdel	NJ	07733	
	County, City		State	Zip Code	
II. PLACE	OF EMPLOYMEN	IT			
		oyed or sought	employmer	nt by the defendant(s) is:	
Telecommute					
Name 848 L	ELAND AV	E C			
Address		N / N /		40470	
Bronx, Bronx	<u> </u>	NY		10473	
County, City		State		Zip Code	
III. CAUSE	OF ACTION				
A. Federal Cl	aims				
This employment that apply in you		lawsuit is brou	ight under (	check only the options below	
⊠ <b>Title '</b> emplo origin	yment discriminat	ghts Act of 196 ion on the basi	<b>4,</b> 42 U.S.C. s of race, co	§§ 2000e to 2000e-17, for lor, religion, sex, or nationa	al
	defendant discrim y and explain):	inated against	me because	of my (check only those that	
×	race:	Asian			
×	color:	Brown			
×	religion:	Islam			
	sex:				
[ <del>v</del> ]	national origin:	Pakistani			

	1	
	×	42 U.S.C. § 1981, for intentional employment discrimination on the basis of race
		My race is: Asian
		<b>Age Discrimination in Employment Act of 1967</b> , 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)
		I was born in the year:
		<b>Rehabilitation Act of 1973</b> , 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance
		My disability or perceived disability is:
		Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability
		My disability or perceived disability is:
		<b>Family and Medical Leave Act of 1993</b> , 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons
В.	Otl	ner Claims
In a	ıddi	tion to my federal claims listed above, I assert claims under:
	X	New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status
	×	New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status
		Other (may include other relevant federal, state, city, or county law):

## IV. STATEMENT OF CLAIM

Α.	Adverse	Emp]	loyment A	ection
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		endant or defendants in this case took the following adverse employment against me (check only those that apply):
		did not hire me
	×	terminated my employment
	×	did not promote me
		did not accommodate my disability
	×	provided me with terms and conditions of employment different from those of similar employees
×.	×	retaliated against me
	×	harassed me or created a hostile work environment
	×	other (specify): Unlawful inquiry, limitation, specification, discrimination
		in job advertisement and paid me lower salary.
В.	Fac	ets
exp cha	lain racte	ere the facts that support your claim. Attach additional pages if needed. You should what actions defendants took (or failed to take), because of your protected eristic, such as your race, disability, age, or religion. Include times and locations, if e. State whether defendants are continuing to commit these acts against you.
Colin	Day	, Courtney Dutter and iCIMS Inc didn't take any actions, and performed no investigation of my
com	olaint	of discrimination on bases of color, race, religious beliefs and ethnic background.
A de	tailed	i account of discrimination is attached.
wit Hu	h th	tional support for your claim, you may attach any charge of discrimination that you filed e U.S. Equal Employment Opportunity Commission, the New York State Division of Rights, the New York City Commission on Human Rights, or any other government

Page 5: Facts Continued below

I joined iCIMS Inc in February 2014 as a Junior Project Specialist. I worked hard and completed my projects in timely manner and received great client feedback. Due to my great work performance my work Title was changed twice. First, I was given responsibilities of Software Implementation Manager and secondly, I was given responsibilities that included projects of Software Integration with larger enterprise level clients. During my employment I worked with 119 iCIMS clients. When it came to increasing my salary, nothing was done. After many backs and forth discussions with my manager, I was given a really low salary increase of mere few dollars per week.

I was told that since other people in the company got pay increase, I will not get one. I was informed of this while iCIMS Inc majority of the employees were white people.

On 30th May, 2018, after completion of the business day, I submitted a business plan for a new business model to iCIMS CEO 'Colin Day'. This business plan was named, Jobtrail which I had been working on with my friends. My manager 'Mat Watson' from iCIMS Inc, was well aware that I am working on a side gig. 5 days later from my email to CEO 'Colin Day' about investment discussion my job was terminated. I only received partial explanation from 'Courtney Dutter' legal representative of iCIMS Inc that I violated company policy, this in fact was a complete lie.

iCIMS company policy handbook which I was never provided with on start of my employment, and of which I only received a copy after termination of my job, states that anything invented during my employment with iCIMS will be owned by iCIMS. It didn't state that my job prohibits me from inventing a new business model. When I asked for an internal investigation of this incident, I was informed to send back company laptop immediately and to immediately cease speaking to any of my co-workers at iCIMS. I was also informed by 'Courtney Dutter' legal representative of iCIMS that I must not speak to anyone about this matter. Nor should I email any of my co workers or any one in the board of directors.

During my employment I was a victim of many instances of discrimination, iCIMS orders food for their employees but it never included any halal food which I could eat. In most days when other white majority employees would enjoy a good meal, I would be sitting at my desk expecting to order my own food. Besides this, I was given extra work responsibilities.

On many occasions I was expected to work 60+ hours/wk., with no overtime pay. Many of the clients that were assigned to me were in different time zones, which meant I had to work late hours to speak to these clients. On multiple occasions, I was asked to upload client data at 11:55 PM in the evening. My role as the Project Specialist involved regular situations where the client was going live on early Monday morning and I was expected to upload, transfer client data over the weekend so the client could go live on Monday morning. I wasn't paid for the work done on weekends. This data upload approach allowed for the client to go live with iCIMS products without any gap of data, on Monday morning. No other employee in the company of 500+ employee was asked to do this except me. Basically, I was given the worst possible responsibilities on the lowest possible salary. The only thing in return that I received was an appreciation note written on

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Page 5: Facts Continued below

corporate social site 'Yammer', which in some cases wrote, great job by 'Max Ahmad' with such and such client on the data migration project. iCIMS management is aware that I am a Muslim and due to my religion, I am required to offer compulsory Friday prayer yet on multiple occasions my managers scheduled calls exactly during my Friday prayer timing. In one phone call I was spoken to quite harshly when I explained that I had to reschedule a meeting due to Friday prayer.

iCIMS Inc. offered me a severance payment of \$6,630 in 5 weekly payments on 21st June, 2018, realizing their wrong doings, there was a contract provided with this offer.

I was told to accept this severance payment within 3 days or the offer will be considered voided. The contract along sided this money offer was written by iCIMS in their favor to cover up their discriminatory actions.

The money offered by iCIMS was nothing compared to the discrimination faced by me, I clearly refused to accept the financial offer. I am afraid if I had accepted such an offer, iCIMS would continue its discriminatory practices against other employees of color and other ethnic backgrounds.

I did try to speak to CEO 'Colin Day' via email but he didn't respond. In my emails, I offered iCIMS to buy the new business plan I had created but it didn't matter to CEO 'Colin Day' as him and iCIMS Inc had already learned everything about my intellectual property. It was clear to iCIMS that they have gotten away with religious and ethnic discrimination and they can also get away with stealing intellectual property. This complaint is only about the discrimination I faced during my employment with iCIMS and I think other employees of color are continuing to face due to their color, race, religious beliefs and ethnic background.

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#### V. ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

×	Yes (Please attach a copy of the charge	to this complaint.)
	When did you file your charge?	eb 05 , 2019
	l No	
Have y	you received a Notice of Right to Sue fro	m the EEOC?
×	Yes (Please attach a copy of the Notice	of Right to Sue.)
	What is the date on the Notice?	January 09, 2020
	When did you receive the Notice?	June 05, 2020
	l No	
VI.	RELIEF	
The re	elief I want the court to order is (check on	ly those that apply):
	direct the defendant to hire me	
	direct the defendant to re-employ me	
	direct the defendant to promote me	
×	direct the defendant to reasonably acc	commodate my religion
	direct the defendant to reasonably acc	commodate my disability
	damages, explain that here) Colin Day, Courtney Dutter and iCIMS Inc. shou	Id provide a written apology to me and should ligion equally and should not treat people of color from giving worst work responsibitities to people aployees. I should be given \$6 Million dollars in use to my skin color, race, religious beliefs and

#### VII. PLAINTIFF'S CERTIFICATION

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

06-05-2020		فاص المعاكر	him
Dated		Plaintiff <sup>1</sup> s Sigi	nature
Mahfooz		Ahmad	
First Name 198 East Ave, Unit 2	Middle Initial	Last Name	
Street Address Fairfield, Norwalk		Connecticut	06855
County, City +1.718.536.1972		State mahfoozah	Zip Code nmad2092@gmail.com
Telephone Number		Email Address (if available)	

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

# Case 1:20-cv-04507-AT-GWG Document 2 Filed 06/11/20 Page 10 of 16 U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

EEOC Form 161 (11/16)

		DISMISSAL AND NOT	ICE OF	_ Rigнтs	•
To: Mahfooz Ahmad From: 911 Van Nest Avenue, Apt LT Bronx, NY 10462				New York District Off 33 Whitehall Street 5th Floor New York, NY 10004	ice
	-	erson(s) aggrieved whose identity is AL (29 CFR §1601.7(a))			
EEOC Charge N	lo.	EEOC Representative		,	Telephone No.
		Holly M. Shabazz,			
16G-2019-02		State & Local Program M			(929) 506-5316
		E ON THIS CHARGE FOR THI			
, [] T	he facts alleged in the	charge fail to state a claim under a	ny of the s	statutes enforced by the EE	EOC.
Y	our allegations did no	t involve a disability as defined by the	ne America	ans With Disabilities Act.	
Т	he Respondent emplo	ys less than the required number o	f employee	es or is not otherwise cove	red by the statutes.
	our charge was not liscrimination to file yo	timely filed with EEOC; in other ur charge	words, yo	ou waited too long after	the date(s) of the alleged
ir	The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.				ondent is in compliance with
Т	he EEOC has adopted	d the findings of the state or local fa	ir employn	nent practices agency that	investigated this charge.
X	Other (briefly-state)	Charging party signed (	Confiden	tial & Proprietary Agre	ement.
		- NOTICE OF SUI			
Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)					
alleged EPA u		must be filed in federal or state of means that backpay due for are collectible.			
		On behalf o	f the Comr	mission	
		Gudefilleau.			January 9, 2020
Enclosures(s)	•	Judy A. Ke District Directo	•	a)	(Date Mailed)

ICIMS, INC. Corporation Service Company, 101 Crawfords Corner, Suite 3-100 Albany NY 12207 Attn: Director of Human Resources

NEW YORK STATE DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF HUMAN RIGHTS on the Complaint of

v.

MAHFOOZ AHMAD,

Complainant,

Compiamai

ICIMS, INC.,

Respondent.

DEGETWED

JUN 1 1 2020

PROSE OFFICE

VERIFIED COMPLAINT Pursuant to Executive Law, Article 15

Case No. **10199870** 

Federal Charge No. 16GB902104

I, Mahfooz Ahmad, residing at 848 Leland Avenue, Apt. C, Bronx, NY, 10473, charge the above named respondent, whose address is 101 Crawfords Corner, Suite 3-100, Holmdel, NJ, 07733 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of creed, national origin, race/color.

Date most recent or continuing discrimination took place is 6/7/2018.

The allegations are:

### SEE ATTACHED COMPLAINT FORM

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of creed, national origin, race/color, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondent with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment). I hereby authorize SDHR to accept this verified complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).



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# **Employment Complaint Form**



1. Your contact information:			A OT LINET
First Name MAHFOOZ		Middle Initial	RALGONTRACT UNIT
AHMAD			MAR 0 4 2019
Street Address/ PO Box 848 Leiand Ave		Apt or Floor #: C	
City BRONX		State NY	Upper Manhartan Regional D
2. Regulated Areas: You believe you were discriminated Employment (including paid internship)  ☐ Apprentice Training ☐ Internship (unpaid only) ☐ Volunteer Firefighting (excludes disability conviction, genetic history)	□ Labor O □ Employn □ Licensin	rganization nent Agencies g	
3. You are filing a complaint against:			1 1-1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Employer Name   CIMS INC  Street Address/ PO Box			
101 CRAWFORDS CORNER RD	State	NIT	7in Code engag
Telephone Number: (132) 847 – 194 Ext In what county or borough did the violation take place?		NZ	Zip Code <b>07733</b>
BRONX, NEW YORK			
Individual people who discriminated against you:  Name: Colin Day		EO ECTOR Lega	1 & Compliance
If you need more space, please list them on a separate	piece of paper	•	
<b>4. Date of alleged discrimination</b> (must be within one). The most recent act of discrimination happened on:	month	07 20/8 day year	
		his company have □ Don't know	?
6. Are you currently working for this company?			
☐ Yes. Date of hire: month day year	What is your		
No. Last day of work: 06 07 2018 month day year		entation	MANAGER
J I was never hired.  Date of application:	What position	did you apply for?	
month day year			

7 Rasis of alleged discrimination					
7. Basis of alleged discrimination: Check ONLY the boxes that you believe were the reasons for discrimination. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.					
	mation of each type of dischi	·· <sub>[</sub>			
☐ Age:		☐ Military Status:			
Date of Birth:	- Andrews	☐ Active Duty ☐ F	Reserves		
1	ed in your favor or youthful	National Origin:			
offender record or sealed	conviction record)	Please specify: P	AKISTANI		
☐ Conviction Record		☐ Predisposing Genetic			
·		Please specify:			
<b>®</b> ∕Creed/ Religion:		☐ Pregnancy-Related C	ondition:		
Please specify:	Muslim	Please specify:			
☐ Disability:		Race/Color or Ethnic	itv:		
Please specify: _		Please specify:			
☐ Domestic Violence Vi	ictim Status	☐ Sexual Orientation:			
		Please specify:			
☐ Familial Status:		□ Sex:			
Please specify:		Please specify:			
_		Specify if the discrimination involved:			
☐ Marital Status:		□ Pregnancy □ Gender Identity □ Transgender Status			
Please specify:		□ Sexual Harassment			
r lease specify.	······································				
If you believe you were treated differently after you filed or helped someone file a discrimination complaint, participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below:  □ Retaliation: How you did you oppose discrimination:					
	nination: What did the perso		ning against do? Chook all		
that apply	· ·	:	mig against dor Check all		
	☐ Denied me an	☐ Denied me leave time or	☐ Harassed/ intlmidated me		
<del>-</del>	accommodation for my	other benefits	(other than sexual		
	disability or pregnancy-		harassment)		
	related condition		,		
rired me/laid me off	☐ Denied me overtime	☐ Sexually harassed or	☐ Did not call back after lay-		
,	benefits	intimidated me	off		
☐ Demoted me	Paid me a lower salary	Save me different or	☐ Denied me services/treated		
•	than other co-workers doing	worse job duties than other	differently by employment		
ж	the same job	workers doing the same job	agency		
☐ Suspended me	☐ Denied me an	☐/Gave me a disciplinary	Unlawful inquiry, or		
	accommodation for my	notice or negative	limitation, specification or		
	religious practices	performance review	discrimination in job		
	Charles and the same of the same	Donied - II	advertisement		
□ Denied me training	Denied me promotion/	Denied a license by a	☐ Other:		
e e	pay raise	licensing agency	·		
	1		<u></u>		

### 9. Description of alleged discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY.
The bound of the second of the
I worked really hard and i was always completing
were increased multiple times due to my acapt
Larger marge Min 2 atta May 2 a 10 T and the HU
business blan after complete of business day to
Colin Day - CEO of icIms. 5 days later i was
fixed from my job. This week i was working
remotely. When asked why my embloyment was
being taxminated T used allow Latial
answer by the legal representative "Courtney Dutter",
have seed of the latest the the
because they think I violated combany
Lating The Use in Section The Additional Telephone The Control of
Sour anything proposed discing amply month by
owned by icims the business blan I submitted
to the CED was a technology business that i
greated with my bartness before joining icIms. I
did inform icIns "Colin Day", that I have evidence to
show and to brove my claim. No Investigation was
done. I was devied my job for the real reason
of me being a man of brown coloxand because
I am an asian muslim. Colin Day and countrey
dutter didn't do a proper investigation of, did 100
did not violate the company policy. Their decesion was
ill motivated due to the fact that the company
has white majortiy employees. They discriminated
against me and than tried offersing me a
6,630 in 5 weekly bayments on 21st June 2016 in 3 day
deadline notice. This is when I made them aware that they
are being discriminatory towards me so they tried offersing
me little money to keep me ajuite, I dion't accept it as it
was for little. If you need more space to write, please continue writing on a separate sheet of paper and attach it to the
complaint form. DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.

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## **Notarization of Complaint**

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment). This complaint will protect my rights under federal law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. PLEASE INITIAL MA

I swear under penalty of perjury that I am the complainant herein; that I have read (or have had read to me) the foregoing complaint and know the contents of this complaint; and that the foregoing is true and correct, based

full legal mame Sign your

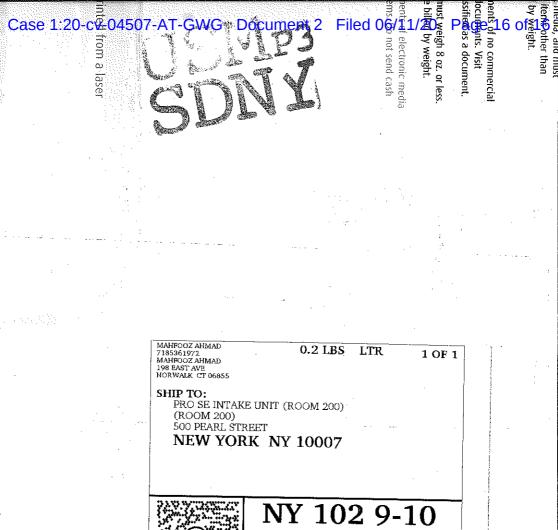
Subscribed and sworn before me

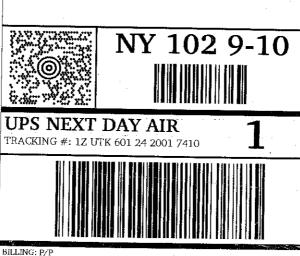
Signature of Notary Public

Commission expires ENNADY MATATOY NOTARY PUBLIC, State of New York

No. 01MA6087608 Qualified in Queens County Commission Expires 02/18/20

Please note: Once this form is completed, notarized, and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.





SIGNATURE REQUIRED

Serving you for more than 100 years United Parcel Service.

UPS Ground

UPS Standard
UPS 3 Day Sele